THE COURTS.

Argument on the Certiorari of William M. Tweed.

The Court To Render Its Decision on Monday.

A NICE LITTLE PLUMBING BILL.

The Hays Murder Trial to Close To-Day.

Presentment of Indictments in the Federal Courts.

Judge Van Brunt settled the Brinckley divorce suit yesterday, the decision being simply a formal one to complete the record preliminary to carrying case to the Court of Appeals.

Judge Barrett, holding the present term of Oyer and Terminer, is after delinquent jurors. Out of the panel summoned to appear for jury duty some thirty failed to attend. The Judge at once had the delinquents summoned to attend before nim. Some were put on jury duty and others were fined for contempt of court. One Peter B. Hotaling by name said that ne paid \$5 to a deputy sheriff and thought that would be the end of it. One of the court officers is in pursuit of the deputy sheriff, and the District Attorney was ordered to

investigate the case of Hotaling.

An important point was settled yesterday in a case tried before Judge Lawrence in the Supreme Court, Circuit. Charles B. Wood brought suit against the estate of the late James Fisk to recover on a bond given by the latter in a suit brought by the same party against William Beiden. The action was dismissed on the ground that where one surety dies no suit can be maintained sgainst the estate and only against the surviving

Evidence was taken yesterday in the United States Circuit Court, before Judge Wallace, through experts, as to the value of certain kinds of laces, the testimony having reference to the suit of the Countess de Mainta Fraioff against the New York Central Railroad for the loss of \$75,000 worth of lace alleged to have been stolen from her trunk while in transit. The case presents, as yet, no new features, and will probably be con-

In the United States Circuit Court yesterday John Carroll withdrew his plea of not guilty of having in his possession materials for operating an illicit distillery. The plea of guilty was accepted by the Court, and the prisoner was remanded until Monday for sentence.

The case of David P. Harris, the Custom House officer, who is accused of aiding and abetting Prancisco Avelianta in smuggling cigars, went to the jury yesterday in the United States Circuit rt, before Judge Benedict. A verdict of guilty was rendered, and the prisoner remanded for sen tence on Monday. Counsel for the defence inti-mated his intention to move for a new trial, the points of law not being as yet announced.

In mentioning the case of Edward Lange, who was tried in the United States Court for baving mail bags in his possession, we inadvertently made it appear that Mr. Lange had been convicted of stealing the bags. As the case is a peculiar one it is only justice to Mr. Lange to say that the verdict recorded against him was that of "Guilty of appropriating to other than their proper use cer. tain mail bags for his own convenience and gain.

THE TWEED CERTIORARI.

There was a regular field day of argument in the supreme Court, General Term, yesterday, on the final argument of counsel in the Tweed certiorari ere on the bench, Judge Brady, considering himself disqualified for sitting, having already passed upon an important point at issue, was not present. It may well be admitted that counsel have exhausted the case, so lar as argument and the citaion of the authorities for and against the writ are concerned, and the case for the present is out of their hands and in those of the three able judges who sat yesterday. Whether there will be further Appeals will depend on the decision of the General Term, which will be rendered on Monday next, until which time the case is adjourned. The court room was not so crowded as on former

this is a certiorari at the Court of Oyer and Terminer to bring up all the proceedings had there on the application for the discharge of a writ of habeas corpus on the relation of William M. Tweed. The relator once applied to Mr. Justice Barrett, at the Oyer and Terminer, for a writ of habeas corpus, which was granted, of course returnable here, and on its return an opinion of that Court was read and delivered at the General Term, written, I believe, by one of the learned judges now sitting here, and on which Judge Bar-rett held that these proceedings could not be the writ almost instantaneously. A new writ was subsequently applied for to Judge Lawrence, and he granted it, returnable at the Oyer and Terminer. He was then asked if he would hear the argument as to the propriety of making it returnable at Oyer and Terminer, and he said, "No, not then." Not then, of course, meant never. The writ was issued. and on return the learned Judge who held the on. It had not been changed in the least; found no ground whatever for a habeas corpus— still relying upon the opinion of the General Term, where, it is stated, the Court comes to that decis-ion. If that is so, then there is nothing to be done except to affirm the decision below. If that decis ton be not binding, if this Court did not arrive at such a decision in the Shanks case, then the mat ter is open to argument. If it be not open to argument—that is, if that is the true constructo argument—that is, if that is the true construction of that decision—it is repeated in the Supreme Court Reports, No. 44, under the title of The People ex rel. Phelp's against Fancher, and the point of that decision, as it was claimed, was that the section of the Revised Statutes which provided that the Court upon the return should not examine the legality or justice of any determination prevented the Court from investigating any question whatever except the question of the original constitution. I would like very much, for the purpose of shortening the argument here and to avoid froubling the learned judges, to know whether I am to speak of the speak as if it was not governed by that decision.

Judge Daniels—We will undoubtedly lollow what was decided in that case, unless some very clear authority should be given that would constrain us to override it.

Mr. Pield—Will the Court ascertain from my friends on the other side whether they admit the statement which I give of their construction of that decision is accurate?

Indee Daniels—We shall hear jou, Mr. Field, as fally as you desire; but I understand, of course, that unless some controlling authority is adduced by which we shall be governed we shall, of course, expect to follow that decision.

Mr. Field—Of course there can be no controlling authority. This is the latest of all. I do not suggest that there is a decision of the Court of Appeals that is later, nor do I know there is a judgment of the Supreme Court at General Term later. This one has been but just now published. Of course I make the suggestion for the sake of facilitating the disposition of this case. If, in short, what took place in the Oyer and Terminer is not just as idle as the wind I cannot argue this case at all nere; it there be anything whatever in the ruling there I have only to mention that case and this order must be affirmed. I do not admit that in a first only to mention that case and this order must be affirmed. I do not admit that that is so, however.

Judge Westbroek—So far as I tion of that decision-it is repeated in the Su

opinion, and am entirely conversant with the case.

Mr. Pield then proceeded with his argument. He said the relator, William M. Tweed, is confined by the defendant, as Warden of the New York Penitentiary, on Blackwell's Island, upon a commitment from the Oyer and Terminer, stating that on conviction by the verdict of a jury of misdemeanor he was sentenced on the fourth count to be imprisoned in the said Penitentiary for the marm of one year and Dar a fine of \$250. The num-

ber of sentences recited on the commitment are first, in groups of four ceans each, except that the first sentence is on the fourth count alone—that is to say, there are fifty sentences on 197 counts. The record of judgments was produced, by which it appears that he was sotulit sentenced upon 200 counts, the last sentence being to a fine of six cents on the first, second and third counts, and the imprisonments mentioned in the judgment as it now stands were to be in "the County Jail of the city and county of New York." On four counts embraced in the verdict of guilty there was no sentence the product of the product of guilty there was no sentence and has been there imprisoned imposed on the Penitoniary on the 29th of Nover street, and has been there imprisoned imposed on the by the first sentence. Now that this sentence has been executed he seeks to be discharged from confinement under the subsequent sentences. There were two tries, both before the same Judge, the jury having disagreed upon the first, on that trial it was suggested by the defendant's counsel that the indictment charged different offences, upon which it was possible that cumulative sentences might be demanded. This, as a possible result, was repudiated by the prosecuting counsel and also by the prosecuting counsel and also by the Judge, who expressed himself without the language.—"On the contrary, in my judgment, the emphasis. On one cocasion he used this language:—"On the contrary, in my judgment, the party who is faus charged with a variety of miscences from the very fact that they are brought in a single indictment, instead of having forty of fifty and intenses against him. Is greatly relieved from the consequences of the offences relieved with the submitted to the Court has ruled upon the static pudgment; that hail. That is as far as the Court and one of missing and there were a first we missing the submitted to the Court has ruled upon the static pudgment; that hail. That is any far as the court has joint the submitted to the Court has it i

careful to recer to his former ruling, and to declare that he adhered to it, and discouraged every attempt to reopen a discussion once had. But after this trial had ended with a vericit of guilty, a change took place, and then he made use of this language:—"I think I may say with truth that I came to this trial in the outset of the case with the same impression. I had not examined the question, but fortunately in this case nothing has occurred throughout the entire trial that has led me to express any opinion upon that question whatever that might, by possibility, have affected the jury, although we, as lawyers, know that it could have had no legitimate effect, even if expressed." Thereupon the Judge proceeded to pronounce the fity-one cumulative sentences already mentioned. The relator now asks for his discharge upon the writ of habeas corpus, not for mere error appearing upon the record, but for delect of lurisdiction. This defect relates—hist to the whole cause, secondly to the whole judgment, and, thirdly, to that particular part of the judgment which imposes punishments subsequent to the first. If there be such defect the duly to discharge on habeas corpus is clear. But the impression us (the Judge who tried the case) gave, and when we are told by him that he had not examined the question, with the greatest possible respect i mast say that it is most extraordinary he should announce a rule of law of daily practice and be mastaken in nis rullings thereon. Such a thing may be possible, and we are told that i did actually happen in this case. The learned Judge did not attempt to explain by any citation of an inotities why he could have delivered cumulative sentences. Our argument is that there is no precedent for it, if there is any lawyer who ever before hazing shapen in this case. The learned to two impressments on the course, the task the common law of the State during its whole judician habory. If there is any precedent for it, it there is none, it means that the common law of the State of New York enjoni

opinion any such doctrine, it I am not greatly mistaken. But in every case where there is the slightest allusion to such a practice in criminal cases of a joindure of different offences it is laid down that there can be only one penalty or one punishment inflicted. Passing from the common law to statute law, what does it say? We have a code of criminal procedure, in which every case is set cown but misdemeanors, and in it we have a history of the mode of criminal procedure; will you find there anything to justify the pun shment in this case? Not only is there entire silence on that point, but it is implied all through that there is no such rule. What is the rule laid down in 2 R. S., section 11, page 62, a provision authorizing successive imprisonments where a man is convicted and already under sentence of imprisonment on a different indictment? What does that imply? Does it imply that you can do that in any other case? If the Court had power to sentence in factor, where is the need of that provision? No need whatever. The principal is that the Court which has the power to imprison has the power to imprison has the power to imprisonment hanging over a man; a sentence of imprisonment hanging over a man; a sentence of imprisonment hanging over a man; a sentence of imprisonment to commence five or ten years hence. If you pronounce sentence of imprisonment in the records of the Court of the United States in the Northern District of the State there is a case, decided in 1859, where an indictment drawn under an act of Congress expressiy authorizes a union of different offences in the same indictment. It was an indictment for the servers of the case; in the same indictment and under an act of Congress expressiy authorizes a union of different offences in the same indictment. It was an indictment for the servers of the case; in the same indictment of the servers of the case; and the party was convicted of the sovers! Counts and a verdict of guilty taken on each one for the purpose of getting cumulative sentences.

distinct counts, and the party was convicted of the several counts and a vericit of guilty taken on each one for the purpose of getting cumulative sentences.

Judge Westbrook—What is the title of the case? Mr. Field—The United States vs. Aloro. There were four counts in the indictment; the case was tried at Canandaigua before Chief Justice Nelson and Judge Hall. The District Attorney moved for a cumulative sentence. If I could draw the picture of contrast, if I could show you take venerable man, who had occupied the bench for nearly fifty years—with his head whitehed in the service of the state—with his head whitehed in the service of the state—announcing the common law as he knew it I would do so. But I cannot, and I will merely read his words;—"The stated law does not change the common law as it exists in this State, and as administered in this country. By the common law a man is entitled to a trial for every offence he commits, be it high or low, by a jury of his peers, and he cannot be tried for all or any number of his offences before the one jury, and the government is not entitled to convictions founded on an indictment which contains a number of offences; he can only be punished for the one offence charged in the one indictment, and I small sentence the prisoner to the longest term of imprisonment to which he is liable under any one of the offences he is charged with under the statute. There are cases when there may be a jointure of different offences, but that is not essential or pertinent to this case."

The Court—And where sentence can be inflicted in each; but can you point out a line in any case where sentences on every count has been imposed? What does Judge Nelson say on this? He says you cannot put a man on tran before the one jury and hold him for punisament on separate offences. That is the genus of our institutions; the spirit of the common law inherited from our English forefathers prevents it and I trust never will allow it. When we come to that—I can only say that the liberry of the citize

the verdict of the twelve jurors impanelled in the box.

Judge Daniels—There is a statute which authorrizes the consolidation of ofences in an indetment.

Mr. Freid—I find nothing in the cases cited by
the Court below to sustain it in its judgment to
disturb our position in any way. There is no cass
we can find in which the right to pass cumulative
sentences has been claimed or even hinted at in
the State of New York. With these observations,
which I leave to the criticism of counsel on the
other side, I pass to the next point, which is this:
That the defendant cannot be sentenced to imprisonment for neglect of his duty as Supervisor. There
are four counts in each set, and they are really for

neglect, as I construe them, though they put forth three for anglect and one for irraudulent acts—that is to say, three counts for neglecting to sudt and the fourth for auditing fraudulently. Three counts for doing something—an anounaly in jurisprudence I snall comment on hereafter if necessary. When any duty is enjoined by law on a public officer or any person hoising a public trust or employment, and such person or persons shall neglect to perform that duty, where no special provision is made for the punishment of said delinquoncy is shall be deemed a musdem-sanor. Now as to the right of challenge. A law was passed declaring what should be a cause of principal challenge. The law was taken advantage of in the Stokes case, and the Court of Appeals beld in that case that that was a matter which the Legislature should regulate. In giving the opinion of the Court, Junge dirover said that the defendant could not complain because as said had the right of challenge, but scarcely was the law dry on that decision when they brought to color the Legislature and for a shall present at the law of the court of all the court of August to color the Legislature of the law of the court of August 10 to 10 the Legislature of the law of the la

below. I think it is even of grea er impostance to the administration of justice in this State to determine whether the question sought to be reviewed is properly reviewable than to determine the questions themselves, as they may affect the one case, the case of the prisoner. But if it is to be solemnly adjudicated and the higher courts of criminal jurisdiction are to be summarily disposed of by the ordinion of any magistrate discharging the functions of a Supreme Court Commissioner on summary proceedings, then the formal process of law for the review of errors on trial may well be dispensed with, and we shall need no more writs of error or Courts of Appeal, so that the short cut may be adopted with great ease, and with great relief to prisoners, who will thereby even escape any possible danger of a new trial, that might be ordered by the Court of Appeals, and thus go scot free upon any error in the Court below that the ingenuity of counsel may call into question. I therefore proceed to consider we trial, that might be ordered by the Court of eathering the relator's discharge, should be considered in proceedings in habeas corpus, I submit, as it appears by the petition on which the writ was founded, by the return to the writ and the relator's answer to it, that he was held and detained by a final judgment of the Court of Oyer and Terminer, and that consequently, without any proceedings further, it is the duty of the Court below to discharge the writ and tremand the prisoner. There are certain things admitted to be set up by the relator, called an answer or traverse to the return, certain matters complained of as having been improperly done by the Court below to discharge the writ familiar, it seems to me quite clear that none of these questions are to be considered in this proceeding. Nor is the position altered by a consideration of the Habess Corpus are. It provides that the prity brought shall be on oath; and thereupon such Court or officer, shall proceed in a summary way to near such allegations and proofs

set up a ground for imprisonment which and not exist at all, the English statture provides that inquiry shall be made, that the lact shall be all the made, that the lact shall be shall be made, that the lact shall be conditionally lived to the lact shall be conditionally appeared to the something had occurred since the imprisonment which rendered his imprisonment no longer legal, could have his case reviewed. The object of the forty-eighth section was to provide reduces for a party restrained of als incerty without due process of law. In the case of Prime (1 Sarrobour, decided in his here office and shall acted vittout jurisdiction. But the Court said, we will not review this habeas corpus. The question was wnether the adidavit was sunicient for that purpose. That was a question the officer had to decide for himself—whether he had sufficient jurisdiction by the warrant. Having passed upon that, the case might be reviewed by a writ of error, but could not be reviewed by a writ of crore, but could not be reviewed by a writ of habeas corpus. There was a case where questionable jurisdiction had been exercised by an interior clus, but he was a case where questionable jurisdiction. There have shall be a provided the same the provided to comply which he case, for the relator has neglected for the prisoner in this case, and no case has been cited by counsel showing such power. But it in limit to claimed, the prisoner in this case, and no case the prisoner in this case, and no case the prisoner in this case, and no case the prisoner of the city of which he requirements of the section, it is shown to be consin

DECISIONS.

By Judge Joachimsen.

Kranhowitz vs. Cohen; Rhine vs. Frank; Woodruff vs. Leferts; Averill vs. The New York Loan and Indemnity company; Westerfeit vs. Radde; Hecker vs. Anthony; Goddard. &c. vs. Schwab; Scheider vs. Goldmann.—Motions denied, &c. Socomon vs. Brinkman; Moulton vs. Wood; Hogan vs. Croker; Frye vs. Davis; Jung vs. Capron; Rogers, &c. vs. The French Manufacturing Company; Frederick vs. Smith; Bowen vs. Fry; Bowne vs. Murphy.—Motions granted Downing vs. Waltner,—Motion to open default granted on terms.

Van Rensselaer vs. McCarthy.—Motion to open default granted on terms.

Wimmer vs. Levy.—Motion granted on payment of 510 costs and disbursements.

Siote vs. Hastie.—Motion granted on payment of costs and disbursements.

intely. This is sufficient answer to the whole com-plaint.

Mr. Peckham followed in an argument upon the merits of the case, and was briefly responded to by Mr. Field. The Court then took the papers and announced that a decision on the case would be rendered on Monday next.

MORGAN JONES' PLUMBING BILL Morgan Jones in 1871 did some plumbing for the city, his b.ll for the same amounting to \$1,800, Mr. William M. Tweed, who was then Co of Public Works, for some reason failed before his deposition from office to sign the usual certificate of Public works, for some reason failed before his deposition from office to sign the usual certificate setting forth the necessity of the work. Mr. Van Nort, the present Commissioner, refused to give the certificate because he knew nothing about it. He certified, however, that the shill was correct according to the books in his office. Mr. Jones, considering the sum of \$1,800 a matter worth looking after, brought suit against the city for its payment. The case was tried before Judge Van Vorst in the Superior Court, where Mr. Jones was defeated, a verdict being directed for the city on the ground of no certificate having been given by the head of the department of the necessity of the work, as required by statute. Mr. Jones did not let the matter rest here. Application was made yesterday in the Supreme Court, Chambers, before Judge Brady, for a peremptory mandamus against Commissioner Van Nort, directing him to make a certificate as to the necessity of the work. Mr. Dean, Assistant Corporation Counsel, insisted that a mandamus could not issue to control the conscience of Commusioner Van Nort, inasmuch as he had already stated that he had no knowledge of the matter. It was contended on the other side that the matter of giving a certificate was merely ministerial, and that the saine should be given occause the Firmer Superintendent of Repairs and Supplies had certified to the correctness of the bill and the same had been placed on file. Judge Brady took the papers, reserving his decision.

COURT OF OYER AND TERMINER. THE MADISON STREET HOMICIDE-CASE CLOSET DEPENCE

Before Judge Barrett.

The trial of Thomas Hays for the alleged mur-der of Thomas E. Delaney, in September last, resumed yesterday. It is evident from the large crowd in attendance that a good deal of interest is felt in the case. As on the previous day, the prisoner's wife and her two small children sai by the prisoner's wife and her two small children sai by the prisoner's wife. Several additional witnesses were examined for the prosecution, but no facts were elicited. Mr. A. Oakey Hail, the prisoner's counsel, then briefly and in his usual cogent and impressive style, opened the case for the delence. He explained the flight of the prisoner, and insisted that the evidence he should adduce would clearly establish that the homicide was in self-delence, and that the highest possible verdict under the most extreme view of the circumstances, could only be masslaughter in the fourth degree. His theory was that the prisoner was assailed by the deceased with a knife, and that in the suosequent wrangle the fatal pistol was accidentally discharged.

Police Surgeon Powell was the first witness called for the delence. He testified that at the request of the Captain of the precinct he examined the wounds of the prisoner; that he lound a severe cut on the neck and one on the hand, which probably might have been inflicted by a knife. Several other witnesses were examined giving their various versions of the affair. The closing witness of the Gay was the prisoner. He testified that the deceased assailed him with a knife and that he was trying to prevent serious injury to himself, when his pistol was accidentally discharged. The trial will probably consume the whole of to-day. is felt in the case. As on the previous day, the pris-

SUPREME COURT-SPECIAL TERM. Before Judge Van Brunt. POWER OF A CORPORATION TO EXPEL A COR-POBATOR.

The Metropolitan Insurance Company was threatened with expulsion from the New York Board of Fire Underwriters because it did business with brokers not members of the Board of Insurance Brokers, in violation of a rule of the Board of Fire Underwriters. A temporary injunction was ortained restraining the Board from taking any action in the matter until the trial of the case, which came on yesterday in this Court. The main point at issue was the right of a corporation not having the power of expulsion expressed in its charter to expel a corporator for violation of a rule claimed not to be in accordance with the charter. The Court took the papers.

J. C. Parsons and J. M. Varnum for plaintiff, and William L. Butler for desendant.

SUPREME COURT-CIRCUIT-PART 2.

DECISIONS

By Judge Van Brunt.
Failon vs. The Mayor, &c.—Case settled.
Brinckley vs. Brinckley.—Case settled.
Vermilyea vs. Suydam.—Allowance. SUPREME COURT-CHAMBERS.

By Judge Brady.
Rockiand County Nitro Gircerine Company va.
Sweet et al.—Motion for attachment denied.
Levy vs. Battic Lloyd Steamship Company.—
Memorandum. DECISIONS.

SUPERIOR COURT-CIRCUIT-PART 2.

plank fell from a second story window of the building, striking nim a glancing blow on the head, and, in his fail, one of his fingers was lacerated. He brought suit for \$10,000 damages. The case, after two trials and once going to the Court of Appeals, was retried yesterday. It was shown that he was laid up about a week and that his paysician's bill was \$39. The defence was that the bank was not liable, inasmuch as the repairs in progress on the building were being done by a contractor and that the plaintiff was guity of contributive negligence. A verdict was rendered for the plaintiff of \$2,000. The case will again be appealed. appealed.
Luther R. Marsh and James S. Stearns for plain-tif, and William H. Arnoux for defendant.

NO PAY FOR A BROKEN ANKLE. Caroline Hyde lived in a tenement house on First avenue and Fifty-fifth street, owned by John Doran. The stairs were in a rickety condition, and she fell down them, breaking an ankle, for which she brought suit against the landlord for which she brought suit against the inhelord for \$10,000 damages. It was shown that she had lived in the house two or three montils, and that the stairs were in a bad condition when she moved in. Under these circumstances Judge Sedgwick held that she was guilty of contributive negligerce: that the landlord was not liable, and that the complaint must be dismissed.

Mr. Blythe and J. D. Raymert for plaintiff; George W. Wingate for defendant.

FEDERAL PRESENTMENTS ON INFORMATION. United States District Attorney Bilss, in the absence of a Grand Jury, laid the following cases before the courts on information, as is usual in

such exigencies:—

John Cartez, for illicit sale of cigars,
John Henry, for smuggling cigars.

Jonn Gillick, for non-payment of special tax on hiskey. Francis Martinez, for violation of the Internal

Revenue law.
Emanuel Posado, for the illicit sale of cigars.
Louis Barras and Juan Morales, for illicit sale
and manufacture of cigars. All these cases wege placed on file and ordered for trial in the January term.

SUPERIOR COURT-SPECIAL TERM. DECISIONS.

By Chief Justice Moneil.

Orane vs. Doane et al.—Urder settled and receiver appointed.

Wiseman vs. Remington Sewing Machine Company.—Motion denied.

Murray vs. Reeve et al.—Motion for reference granted. See Memorandum of decision.

By Judge Curtis.

Kruepfel vs. Kings County Fire Insurance Company.—Findings and requests to find settled.

By Judge Sedgwick.

Willmont vs. Meservic et al.—See memorandum for counsel.

COMMON PLEAS-EQUITY TERM. DECISIONS.

By Judge Loew. James vs. Burchell.—Order settled, Krekeler vs. Thaule et al.—Decree order settled MARINE COURT-CHAMBERS.

DECISIONS.

COURT OF GENERAL SESSIONS. Before Judge Sutherli

BRERT IN A CHATHAM STREET SALOON. The whole of yesterday's session was occupied in the trial of an indictment for robbery against Frederick Hoypaer and William Benson. The ac-cused demanded separate trials and Benson was discharged soldier, testified that at midnight on discharged solder, testined that at midnight of the 29th of December he visited Hoppaer's salbon, No. 164 Chatham street, and while drinking in a back room the proprietor forcibly took \$140 from his person, and Benson, who was the barkeeper, held him while the crime was being perpetrated. The evidence was contradictory. Officer Warner, held him while the crime was being perpetrated. The evidence was contradictory. Officer Warner, to whom the soldier complained of his loss, testified that he accompanied him down to the saloon, and when the proprietor and the barkceper were shown to him he said that they were not the men who robbed him. Haselhoff positively asserted that he identified the men; he said that he had been drinking that night, but knew what he was about. Beason testified in his own behalf, and said that

Benson testified in his own behalf, and said that he never saw the complainant until be came in with the policeman, and that he knew nothing of the robbery. The jury deliberated for an hour and rendered a verduct of guilty.

Assistant District Attorney Nolan stated that he would try the other def-ndant a week from next Monday, and asked to have an additional panel of fifty jurors summoned.

His Hour made the order, and sentence of Benson was postponed till after the trial of hoypaer.

Edward Drumgole, who on the 5th of last month stole a gold watch from the person of Harry Mulien, pleaded guilty to an attempt to commit that onence. He was sent to the State Prison for two years and six months.

TOMBS POLICE COURT. THE GERMAN FORGER. Before Judge Smith.

Richard Stepert, a lean-looking German, was arraigned at this court yesterday atternoon to anawer three distinct charges of fraud and forgery. It appears he was arrested on Thursday night by Officer Anderson, of the Fourteenth precinct, on complaint of Peter A. Betz, of No. 243 Contre street, who charged him with having on the same day artempted to pass a forged check for \$47. When brought to the Mulverry street station it was found that the prisoner exactly answered the description given of a man whom Mr. Henry Vetteriain charged with having passed a bogus check for \$53, drawn on the German Excannge Back. Vesterday Mr. Charles Letzinger, of No. 257 Bowery, identified Siepert as the person who passed a forged check upon tim for \$42. Each of these gentiemen made complaints against Siepert, who had nothing to say when formally examined. The prisoner is a tail, thin man, and looks very much like a soldier, being dressed in a blue blouse and wearing a long mastache. He was held in details of bail to answer the charges preferred against him.

A LOST OVERCOAT. On New Year's Day Mr. Frank J. Kilpatrick los for beaver coat, valued at \$50, from the hallway of No. 326 West Flity-sixth street. He was at a loss great detective, "Time," to solve the mystery. A solution came sooner than he had anticipated, for yesterday he learned from Detective Kesis, of the St. Nicholas Hotel, that James Price, a hackman, had taken it. Price acknowledged the their to Kesis, and was yesterday arrested by him, and, on complaint of Klipatrick, locked up to await trial.

James Bennett, Hugh Nelson and William Case) were brought to Court yesterday morning charged with burgiary. They were found in the tapped a cider barrel and abstracted by means of a straw a certain unknown quantity of apple juce therefrom. How they got into the store is a matter which, it is hoped, the watchman may be able to explain, as it is thought that me three men have been in the habit of sleeping on the premises with his permission. They were held in \$1,000 each to answer at General Sessions. O. H. Booth & Co., and it is charged that they A YOUTHPUL COMPLAINANT.

"Tim" Kennedy, a little boy aged eight years, He was so small that the Judge could not see him over the bar, so Sergeant Quinn lifted Tim up and he told his story as follows:- "My father licked me so hard he nearly killed me, and I want to have him locked up. This policeman (pointing to an officer) took him up for me, and if you put aim away he can't kill me." It appears that Timochy Kennedy, the father of "Tim," its a man about forty years of age, healthy and able-bodled, who is too lazy to work, and in ord or to support himself he has from time to time compelled Tim and his little sister to go and beg on the atrect. A few days ago the lite girl refused to do his bidding and he fogged her unmeronuity. Yesterday Tim reboiled, and for his audacity he was trounced severely; hence the charge. This case would be a good one for the new Society for the Prevention of Crucity to Children to begin operations on. The father was held to answer the charge of assault and battery. so hard he nearly killed me, and I want to have him locked up. This policeman (pointing to an officer) MINOR CASES.

Patrick McDonough, of No. 359 Broeme street, yesterday charged Michael Williams, of No. 102 Pitt street, with having stolen from him \$4. Memorandum.

By Judge Davis.

In the matter of Fanny Levy, to vacate assessment.—Motion granted.

SUPERIOR COURT—CIRCUIT—PART 2.

HEAVY DAMAGES FOR SMALL INJURIES.

Before Judge Sedgwick.

In harch, 1868, William K. Clare was passing by the National City Rank in Wall street when the following no kind friend to go security in \$300.

JEFFERSON MARKET POLICE COURT. HIGHWAY ROBBERY IN THOMPSON STREET. Before Judge Otterbourg.

At four o'clock yesterday morning Officer Crook of the Eighth precinct, saw a negro running out of the alleyway No. 59 l'hompson street, and heard cries for help from an unseen person. He purcries for help from an unseen person. He pur-sued the negro and captured him after a brief race. Retuining to the spot he met Edward O'Hagan, of No. 92 Baxter street, who informed him that he had been assaulted and robbed of his watch, which was found lying in the street. The prisoner, who gave his name as Charles Watts, was held by Justice Otterbourg in \$1,500 ball.

ANOTHER HIGHWAY ROBBERY. About ten o'clock on Thursday evening, as Mr. Joseph Hyde, of No. 430 West Forty second street, street, he felt a hand in his pocket. He turned to seize the man, and received a stunning blow seize the man, and received a stunning blow which felied him. He managed, however, to shout for help, and his cries brought Officer Relify, of the Twentieth precinct, to the scene. The highwaymen then desisted from the attack and sought to escape. The officer followed and captured Thomas Blakely, but Isiled to secure his companion. Blakely was held in \$1,500 to answer a charge of attempted highway robbery.

ESSEX MARKET POLICE COURT. Before Judge Murray.

AN OFT TOLD TALE. Alexander Porshen, of No. 225 East Forty.eighth street, appeared as complement yesterday against a woman named Rose Stetson. After spending some time in her society he was about to take his some time in her society he was about to take his leave, when he suddenly missed his watch. He turned to demand an explanation, but kose was in too much of a hurry to wait and took to flight. Porshen pursued and caught her, but did not get bis watch. Officer Horgan, of the Seventeenth precinct, then arrested her, and Judge Murray held her in \$1,000 call to answer.

VICTIMIZING PHYSICIANS. James Williams, an account of whose exploits appeared in yesterday's HERALD, was arraigned yesterday before Justice Murray. He was in charge of Officer King, of the Central office. The publication of his arrest caused a number of complainants to appear in the court room, all of whom which seem to have covered quite a long period.
Ma: a Owens, a servant in the employ of Dr.
Robert McNeitly, of No. 311 West Nine eenth street,
depored that the prisoner came to the Doctor's
office under pretext of being ill, and, while waiting, carried off a coat and necrschaum pipe
valued at \$60. Mrs. Dr. Eden, of No. 56 University
place, charged the prisoner with having, in
October last, stolen a waten and other lewelry,
worth \$96, by practising a similar ruse. Thomas
Maione, in beball of Dr. J. P. White, of
No. 19 West Twenty-first street, made affidavit
to losses sustained by that physician, and
the victims were so numerous that the lateness of
the hour precluded the taking of additional complaints, which were deferred until to-day.

The prisoner is an old offender, having already
served a term in the State Prison. All the witnesses identified him by means of a peculiar scar
on the cheek. Judge Murray patiently listened to
the different complainants, and will give each a
full hearing. To make sure, as far as lay in his
power, of putting an effectual stop to the career
of Mr. Williams he held him in \$1,000 hail on each
separate charge.

FIFTY-SEVENTH STREET COURT.

FIFTY-SEVENTH STREET COURT. Before Judge Bixby.

A SWINDLER ARRESTED. Joseph J. Rutger, of No. 555 West Fifty-Brst street, caused the arrest of Peter Gilmartin and Richard Hoey, two respectable looking men, whom he charged with collecting money for the burial of a woman named Martin, who they falsely repre-sented had died in destitute circumstances. They were committed for examination until other vic-

tims can be heard from, the accused having col-A POLICEMAN'S SPREE

Judge Flammer had before him at this court yes terday an examination into the charge of assault and battery preferred by Officer Frazer, of the terday an examination into the charge of assault and battery preferred by Officer Frazer, of the Twenty-second precinct, against Samuel Hall, Michael Kenney and James Boyd. About two o'clock A. M. on the 1st inst. it was shown a crowd of young men were collected in a liquor store on the corner of Forty-fourth street and Ninth awadde o listen to the sweet strains of a banjo, played by a well known artist. At the wind up several pollecmen, some of whom were in uniform, entered and drank with the crowd. Officer Frazer, who is a special officer and was not in uniform, remained in the saloon after his fellow officers had left, and drank from a bottle several times, until he finally became intoxicated. He then got late troube with the crowd and made two ineffectual attempts to arrest one man. This was, however, after he had acted as "ringman" for two wrestlers, the result of which had been a fight. The officer awore in his affact that he had been knocked down by the accused and beaten in a brutal manner. They and their witnesses in testifying to the foregoing facts, admitted the charge, but claimed that they only acted in self-decine, and to prevent Frazer from shooting them without reason. The officer not being present, on account of illness, the further examination was postponed for a few days.

COMMISSION OF APPEALS CALENDAR. ALBANY, Jan. 8, 1875.

calendar for Saturday, January 9:—Nos. 291, 295, 298, 299, 301, 302, 303, 304, 305, 306, 307, 308, 309. Addiourned until to-morrow at ten o'clock A. M.

An Explosion That Sounded Like an Earthquake.

A HUGE JOKE.

ANOTHER GREAT SCARE

The Shock Felt at a Distance, but Unnoticed on the Scene.

One of the best jokes of the season was played on thousands of people yesterday by their own fertile imaginations. A nitro-glycerine explosion Pequannock, a little village some seven or eight miles beyond Paterson, N. J., and about two miles from the Delaware and Lackswanna Railroad. Thousands and thousands of people heard it. many were violently aroused from their sleep, and yet, strange to say, while the shock was distinctly lelt at Hoboken, at Paterson, at Nyack, at Spring Valley, at Passaic, at Ridgwood, at Englewood and even in Westchester county, most of the residents of the very place in which the explosion occurred did not hear the report, and knew nothing of it until they saw, yesterday morning, the débria on the ground. This is a most remarkable circumstance, although it is not without parallel. There have been explosions before this which were felt at considerable distances more plainly than right at the scene of the secident, but there probably never was one which grew to such enormous and preposterous proportions in the minds tained vivid and circumstantial reports of the "earthquake" which had startled Westchester county, Jersey and Reckland county, and this earthquake was no more and no less than the shock of the explosion which was scarcely felt at Pequannock. THE EXPLOSION.

The "earthquake" which visited the classic village of Pequannock occurred in the powder mill of Messrs. J. A. Rand & Co., No. 21 Park row. They manufacture the so-called "Rendrock" powder, in a little frame building about ten feet high, situated in a nollow and built against the side of a bill. The nitro-glycerine which exploded was to be used in the manufacture of the Rendrock powder, which is mainly employed for blasting purposes. On Thursday night, at twelve o'clock, the watchman, so he states, discovered that the tank containing some eight hundred pounds of nitroglycerine was on fire. He became frightened and ran at once toward the boarding house of the other workmen in order to arouse them. He bad ine exploded with a loud report, and this made all further efforts useless. The frame house was blown into the meadow below the hill and was torn into splinters, which were scattered for two hundred feet round. Yesterday morning all that remained of the frame house could be seen in these spiinters, and the only other visible mark of the explosion was a hole of about six feet depth in the ground. A LUCKY ESCAPE.

The packing room across the way and standing only at a distance of about 150 feet was perfectly slightest degree. The boarding house, about 200 feet distant, shows no marks of the explosion beyond a few broken panes of glass. A man who stood about 250 feet from the mill was not in the oughly frightened for the moment. The superin-tendent's house, which is nearer than any other, tendent's bouse, which is nearer than any other, being only about fifty feet distant, sustained no damage ueyond hall a dozen broken panes of glass, and this was all the injury which the explosion did. The quantity of intro glycerine exploded was about 800 pounds; the amount of damage was estimated by the agents yesterday at about \$2,000. They think that the demolished structure will be replaced by a new one in a week, so that the thirty men employed will not be thrown out of work. And these are all the results of the explosion which assumed yesterday the territying propruins of a vast earthquake and of a nuge scare generally.

WILD RUMORS.

thirty men employed will not be thrown out of work. And these are all the results of the explession which assumed yesterday the territying proportions of a vast earthquake and of a nuge scare generally.

WILD RUMORS.

Pequannock is such an out of the way place that no reliable news had been received regarding the explosion up to a late hour in the evening. Even in Paterson, which is only about eight miles distant, people circulated and readily believed the wildest rumors. Everybody had some story to tell of the great explosion which had awakened him from his sleep, but hobody happened to tell the true one. Even the locality of the accident was unknown. The first report that reached the city in the morning was that an explosion and occurred at Meade's Basin. On the train, en route for Paterson, people were decided in their opinions of the nature of the calimity. Some said it was a giverine explosion at Meade's Basin, and there were others still who were inclined to believe that it was some mysterious ribration of the earth such as had recently visited Westenester county. One of the most laugnable incidents was that the Superinteedent of the mill, who lives only fliry feet from it, was aroused by the shock, but he thought it so slight that he told his wile the stove in the other room must nave tumbled down! So little was the shock left at the very scene of the explosion.

In Westchester county as well as in Rockland county, where people's nerves were yet sensitive from the recent earthquake, the shock was felt distinctly, and they were thoroughly irightened. One of the country hapers, in speaking of this upheaval of subterranean forces, said:—"The shock was described as one similar to that produced by the explosion of a large quantity of gunpowder, and the first impression was that some dreadful accident had occurred at can of the large powder mills in that section of the country. Careful investigation, however, and inquiry among persons who live in the neighborhood of the places where the shock was eiten of the

[CONTINUED ON NINTH PAGE.]